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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,725	03/18/2004	Serge Neuman	930108-2012	6027

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Ronald R. Santucci
Frommer Lawrence & Haug, LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,725	Applicant(s) NEUMAN, SERGE	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 4 recites the limitation "wherein the learning of identification codes" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al..

The claimed invention reads on King et al. as follows:
Regarding claims 10-12, King et al. discloses a system for activating an object actuating system (repeater) coupled to a movable object (vehicle) (fig. 1), comprising: at least one user

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command transmitter manipulable by a person to generate at least one signal representing at least one of: an identification (frequency), and a command to send a signal to a repeater to open signal to a garage door (paragraph 0019 lines 1-17); and at least one repeater receiving signals from the command transmitter (paragraph 0019 lines 1-17), the repeater sending a command signal to the object actuating system (garage door opener) upon receipt of a valid identification (proper frequency) from the command transmitter (paragraph 0019 lines 1-17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Roddy.

Regarding claims 1-3 and 9, King et al. discloses a process for remote communication between a command transmitter (portable fob) and a command receiver operating a garage door (paragraph

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0019 lines 1-17), via a command repeater furnished with means for receiving signals (paragraph 0019 lines 1-17), with means for sending signals (paragraph 0019 lines 1-17), with a processing unit (paragraph 0015 lines 1-14) and with a memory (software) (paragraph 0015 lines 1-14) comprising an identifier (frequency code) of the command repeater (paragraph 0016 and paragraph 0019), which process comprises the following steps: - generation and transmission of a signal comprising an identifier of the transmitter and a control command (paragraph 0019 lines 1-17), from the transmitter (2) to the command repeater (paragraph 0019 lines 1-17), reception of this signal by the command repeater (paragraph 0019 lines 1-17), recognition of the identifier (proper frequency code) contained in the signal (paragraph 0019 lines 1-17). King et al. differs from claim 1 of the present invention in that it does not disclose modification of the identifier by the command repeater, transmission of a modified signal comprising a modified identifier and the command; from the command repeater to the command receiver, reception of the modified signal by the command receiver, recognition of the modified identifier contained in this signal. Roddy teaches a repeater analyze a code from a transmitter then generates a new code to open a garage door opener (col. 4 lines 47-57). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify King et al. with modification of the identifier by the command repeater, transmission of a modified signal comprising a modified identifier and the command, from the command repeater to the command receiver, reception of the modified signal by the command receiver, recognition of the modified identifier contained in this signal in order to open the garage door with the proper frequency when the fob transmitter is not properly aligned with the frequency of the repeater, as taught by Roddy.

Regarding claims 4 and 5, King et al. discloses a process for configuring a control device (garage door opener) (paragraph 0004 line 1 through paragraph 5 line 12) comprising a command transmitter (portable fob) (fig. 1a number 12) furnished with means for sending signals (paragraph 0013 lines 1-9), a command repeater (fig. 1 number 14) furnished with means for receiving signals (paragraph 0015 lines 1-16), with means for sending signals (paragraph 0015 lines 1-16), with a processing unit (microprocessor) and with a memory (software) (paragraph 0015 lines 1-16) and a command receiver (70a) operating a garage door (paragraph 0016 lines 1-17), allowing remote communication between the command transmitter and the command receiver via the

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command repeater (paragraph 0018 lines 1-19), wherein the learning of identification codes comprises a communication between the command transmitter and the command repeater (paragraph 0016 lines 3 through paragraph 0019 lines 1-6), on the one hand, and a communication between the command repeater and the command receiver (paragraph 0019 lines 1-6). King et al. differs from claim 4 of the present invention in that it does not disclose the identification codes of the command transmitter and of the command repeater being different. Roddy teaches a trainable transmitter that transmits digital codes to try to match codes of a former transmitter 24a that wirelessly connects to a repeater that opens a garage opener (col. 3 line 49 through col. 4 line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King et al. with the identification codes of the command transmitter and of the command repeater being different in order to replace the garage door opener portable fob with a universal transmitter in case the portable fob is lost or stolen, as taught by Roddy.

Regarding claims 6 and 7, King et al. discloses the repeater is deployed in a vehicle (paragraph 0015 lines 1-2).

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Regarding claim 8, King et al. discloses the repeater is provided with a user interface allowing input of a code (fig. 1a numbers 36,38 and 40).

Regarding claim 13, King et al. discloses a system as discussed supra in claims 10 and 12 above. King et al. differs from claim 4 of the present invention in that it does not disclose the identification codes of the command transmitter and of the command repeater being different. Roddy teaches a system (fig. 1) comprising a trainable transmitter that transmits digital codes to try to match codes of a former transmitter 24a that wirelessly connects to a repeater that opens a garage opener (col. 3 line 49 through col. 4 line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King et al. with the identification codes of the command transmitter and of the command repeater being different in order for the system to replace the garage door opener portable fob with a universal transmitter in case the portable fob is lost or stolen, as taught by Roddy.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Willmott (WO 92/01979) discloses a remote actuating apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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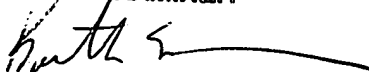
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Keith Ferguson

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December 13, 2005

KEITH FERGUSON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Keith Ferguson", followed by a long horizontal line extending to the right.